

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JENNIFER ANN MOSS,
Petitioner,

v.

T. JUSINO,
Respondent.

Case No. [22-cv-07382-WHO](#) (PR)

ORDER OF DISMISSAL

Petitioner Jennifer Ann Moss is a federal prisoner who alleges in this habeas action that she is eligible to receive time credits under the First Step Act. (Order Directing Petitioner to Show Cause, Dkt. No. 5 at 1.) Because it appeared that she did not exhaust her administrative remedies prior to filing her action, Moss was ordered by the Honorable Virginia K. DeMarchi to “file a supplemental pleading to the petition showing that she did in fact exhaust administrative remedies before filing this action or that the exhaustion requirement should be excused.” (*Id.* at 3.) This supplemental pleading was to be filed “no later than April 26, 2023.” (*Id.*) Judge DeMarchi stated that “If Ms. Moss fails to file a response in time, or if the supplemental pleading fails to show that she did exhaust administrative remedies or that exhaustion should be excused, the Court may issue an order reassigning the case to a district judge with the recommendation that the petition be dismissed for failure to exhaust administrative remedies.” (*Id.*)


Moss has not filed any response to the Order To Show Cause. Accordingly, this federal habeas action is DISMISSED (without prejudice) for failing to respond to the Order To Show Cause and for failure to prosecute, *see* Federal Rule of Civil Procedure 41(b).

1 Because this dismissal is without prejudice, Moss may move to reopen. Any such
2 motion must have the words MOTION TO REOPEN written on the first page, and contain
3 the supplemental pleading that Judge DeMarchi described in the Order To Show Cause.

4 The Clerk shall enter judgment in favor of respondent, and close the file.

5 **IT IS SO ORDERED.**

6 **Dated:** May 8, 2023

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8 WILLIAM H. ORRICK
United States District Judge

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